

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING

DIANA MEY, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 5:17-CV-179
(BAILEY)

DIRECTV, LLC, et al.,

Defendants.

**ORDER GRANTING DEFENDANT'S
MOTION FOR LEAVE TO FILE THIRD-PARTY PETITION**

Pending before this Court is Defendant's Motion for Leave to File Third-Party Petition [Doc. 82], filed February 6, 2019. Defendant, Mylan Johnson Group, seeks to bring a third-party defendant, Donald Ray Scott, into the instant action. To date, no objections to the instant motion have been filed.

Under Federal Rule of Civil Procedure 14(a)(1), "[a] defending party may, as third-party plaintiff, serve a summons and complaint on a nonparty who is or may be liable to it for all or part of the claim against it." "Granting leave to bring a third-party into an action pursuant to Rule 14(a)(1) falls within the sound discretion of the trial judge and should be liberally construed." *Wright v. Bigger*, 2008 WL 4900566, at *1 (N.D. W.Va. Nov. 13, 2008) (Stamp, J.) (citing *Baltimore & Ohio R.R. Co. v. Saunders*, 159 F.2d 481, 483–84 (4th Cir. 1947)).

Defendant, Mylan Johnson Group, alleges that the third-party defendant is liable to it for all or part of plaintiffs' claim against it. Furthermore, allowing the filing of a third-party complaint will not cause any undue delay in these proceedings, as a scheduling order has not been entered in this case. Moreover, this Court finds no evidence that either the

plaintiffs or the third-party defendant would be prejudiced by this Court granting the defendant's motion.

Accordingly, Defendant's Motion for Leave to File Third-Party Petition [Doc. 82] is hereby **GRANTED**. Defendant, Mylan Johnson Group, is **DIRECTED** to **RE-FILE** its third-party complaint.

The Clerk is directed to transmit copies of this Order to all counsel of record herein and to mail a copy to any *pro se* parties that have appeared.

It is so **ORDERED**.

DATED: February 27, 2019.

A handwritten signature in black ink, appearing to read 'John Preston Bailey', is written over a horizontal line.

JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE